

## REMARKS

Applicant has studied the Office Action dated May 5, 2006 and submits the following remarks in response to the Examiner's rejections. It is submitted that the application, as previously amended, is in condition for allowance. Claims 1-23 are pending and have not been amended herein. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (2) acknowledged receipt of Applicant's Pre-Appeal Brief and reopened prosecution;
- (3-4) rejected claims 1-23 under 35 U.S.C. § 102(b) as being anticipated by Microsoft Explorer Screen Captures ("Microsoft ESC"); and
- (5) rejected claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Giesen et al. (U.S. Patent No. 6,826,729 B1).

### (2) Receipt of Pre-Appeal Brief and Reopening of Prosecution

As an initial matter, Applicant would like to thank Examiner Chuong for acknowledging receipt of Applicant's Pre-Appeal Brief submitted on January 27, 2006. Applicant would also like to thank the Examiner for reopening prosecution of the instant application after considering the arguments set forth in the Pre-Appeal Brief.

### (3-4) Rejection under 35 U.S.C. §102(b)

As noted above, the Examiner rejected claims 1-23 under 35 U.S.C. § 102(b) as being anticipated by Microsoft Explorer Screen Captures ("Microsoft ESC"). The claims have not been amended to overcome the cited reference and the Examiner's rejection of claims 1-23 under 35 U.S.C. § 102(b) is respectfully traversed.

In the Pre-Appeal brief submitted on January 27, 2006, the Applicant distinguished the present invention from the previously-cited references by carefully comparing the

present invention to a well-known Microsoft, Corp. product, Microsoft Word. Pre-Appeal brief, page 1, second paragraph to page 3, first paragraph. Presumably, the Applicant's arguments were persuasive in distinguishing the presently claimed invention from Microsoft Word, as the Examiner subsequently reopened prosecution on the merits and has not cited Microsoft Word as an anticipating reference in the present Office Action.

However, the Examiner once again cites a Microsoft product—with the same functionality and/or mode of operation as Microsoft Word—against the presently claimed invention. The Examiner has not shown any evidence of a change in the way standard Microsoft products function, or more specifically, has failed to bring forth evidence showing a difference between the inner workings of Microsoft Word and the cited Microsoft ESC reference.

In the January 27, 2006 Pre-Appeal brief, the following explanation of Microsoft Word was given: "In MS Word, when a document is opened and a user types at least one character into the document, then the user selects the "File" menu list option at the top of the screen, a drop-down menu list will open that presents choices to the user such as "New," "Open," "Close," "Save," and "Print". See FIG. 3, elements 318-328 of the instant application. However, if a user has not yet typed any characters, the options "Save," and "Print" will not appear, because there is nothing to save or print. Further, if a user has opened MS Word, but there is no document open inside of MS Word, clicking on the "File" menu list at the top of the screen will not yield the "Close," "Save," or "Print" options, because there is nothing to close, save, or print.

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This principle applies to other user-interface objects as well, such as tables within an MS Word document. If a table is inserted within a document, clicking on the "Table" menu list will yield options such as "Insert Rows" or "Delete Rows." If no table is in the document, those options would not be applicable and should not be displayed. "

The Examiner's new citation to Windows ESC does not reference or specify any new change to the way Microsoft products work, and specifically, does not present any

change to the previously differentiated Microsoft Word product. FIG. 2 of the Microsoft reference shows a selected item, Favorites. A drop down menu, Edit, at the top of the screen presents a list of available choices that are relevant to the selected item. Specifically, undo is not available and grayed out because there is nothing to undo when simply highlighting an item. On the other hand, Cut and Copy are selectable because these functions can be performed to the selected item, Favorites.

As was explained in the January 27, 2006 Pre-Appeal Brief, in the prior art, which includes both Microsoft Word and the newly cited Microsoft ESC reference, programmers have to assign all available options to each state of a program (i.e., cut, copy, copy to folder, move to folder, etc.) during programming. The choices that are not **pre-selected by a programmer to be available** are grayed out or not shown and therefore, not available to a user.

In stark contrast to now-known Windows products and the other prior art, the present invention allows the state of the program to dynamically determine the available options by using Boolean matching of two associative arrays, **thereby avoiding the tedious and time consuming task of programming each and every option for each program state.**

The Examiner gives no explanation of how the newly cited Windows XP example varies from the Microsoft Word program. Each presents a one-to-one matching of item state properties and resulting menu options.

Independent claim 1 of the instant application recites, *inter alia*:

- associating an associative array with one or more entries to each of a plurality of UI objects presentable as part of a UI;
- presenting at least one UI object based on a state of at least one global context flag for the UI;
- receiving at least one of a response from an end-user to the presentation of the at least one UI object and an event-based trigger;
- altering the state of the global context flag based on the response from the end-user;
- performing a Boolean comparison between the global context flag and one or more of the entries in the associative array for each of the UI

objects; and

presenting zero or more of the plurality of UI objects as part of the UI to the end-user based upon a result of the Boolean comparison.  
(emphasis added)

In the present invention, a user interface (UI) object, such as a document, has a menu list associated with it. The menu list has choices, such as "File", "New", "Open", "Close", etc. See FIG. 3 of the instant application. One point of novelty resides in the fact that each choice is associated with an "associative array" (see items 306-310 in FIG. 3). The term "associative array" is a well-known term of art in the computer software field and is defined on page 11 of the specification of the instant application as *"a set of items, which are randomly accessible by a key, often a string."*

The particular choices available to a user within each menu vary dependent upon a Boolean matching of the associative array entries to global context flags assigned to each document or object within the document, such as a table. These global context flags 304 are nested in structure and usage as shown in FIG. 3 and described on page 11, lines 21-22 of the instant application. Furthermore, as is shown in Table 3 and described in the specification, the global context flags are also associative arrays and the present invention is logically comparing two associative arrays using a Boolean AND operator. Page 11, line 18 through page 12, line 12.

#### Microsoft ESC Does Not Teach Boolean Comparison of Two Associate Arrays

Independent claims 1, 8, 11, and 18 of the instant application each recite performing a Boolean comparison of two associative arrays, i.e., global context flags (as defined in the spec as an associative array) and the associative array of UI objects. Specifically, claims 1, 8, and 11 recite "performing a Boolean comparison between the global context flag and one or more of the entries in the associative array for each of the UI objects", i.e., **Boolean comparison of two associative arrays**, and claim 18 recites "performing a Boolean comparison between: at least one global context flag in the first associative array; and at least one entry in a second associative array". This is not taught in the Microsoft ESC reference. Accordingly, independent claims 1, 8, 11, and

18 distinguish over Microsoft ESC reference for at least this reason and the Examiner's rejection should be withdrawn.

Further, the Microsoft ESC reference does not even mention, suggest, or teach the terms "associative array", "global context flag", and **"Boolean comparison between the global context flag and one or more entries in the associative array."** The Applicant respectfully requests that the Examiner state with particularity, exactly where in the Microsoft ESC reference and whether explicitly or inherently these requisite elements are found. The Examiner generally points to figures 2-5 of the Microsoft ESC reference without particular support to the above claimed elements. There is no showing by the Examiner that Microsoft ESC reference suggests these requisite elements because there is no suggestion contained in the Microsoft ESC reference itself. It is a well recognized principle in patent law that just because prior art can be modified in a manner suggested by the Examiner it does not make the modification anticipated or obvious unless the prior art suggested the desirability of the modification. Here the Microsoft ESC reference is simply silent on these claimed elements. Further, not one of the references cited by the Examiner teach the problem solved by the present invention i.e. allows the state of the program to dynamically determine the available options by using Boolean matching of two associative arrays by **"Boolean comparison between the global context flag and one or more entries in the associative array."**

The Examiner cites 35 U.S.C. § 102(b) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated.<sup>1</sup> Because the elements in independent claims 1, 8, 11, and 18 of the instant application are not taught or disclosed by Microsoft ESC reference, the Microsoft ESC reference does not anticipate the present invention. The dependent claims are believed to be patentable as well because they are all ultimately dependent on either claim 1, 8, 11, or 18. Accordingly, the present invention

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<sup>1</sup> See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The

distinguishes over the Microsoft ESC reference for at least this reason. The Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. § 102(b) has been overcome. It is submitted that the present response places the application in condition for allowance or, at least, presents the application in better form for appeal.

(3-4) Rejection under 35 U.S.C. §102(e)

As noted above, the Examiner rejected claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Giesen et al. (U.S. Patent No. 6,826,729 B1).

The Giesen et al. ("Giesen") reference is directed toward a more efficient user interface that provides "a larger set of options, where each of the options has a set of one or more user-selectable properties." Giesen, col. 2, lines 1-8. The goal of Giesen is to obviate the need to navigate through multiple levels of dialog boxes and windows to set a control to be active and/or to configure programs and objects as desired. Giesen, col. 1, lines 39-67.

Interestingly, the Giesen reference also belongs to the Microsoft Corporation through assignment and shows hybrid Windows-style screens. See Giesen, FIG. 1. Nowhere does Giesen discuss a variation on the traditional Windows programming style, which is where a programmer has to assign all available options to each state of a program (i.e., cut, copy, copy to folder, move to folder, etc.) during programming.

In stark contrast to now-known Windows products and the other prior art, the present invention allows the state of the program to dynamically determine the available options by using Boolean matching of two associative arrays, **thereby avoiding the tedious and time consuming task of programming each and every option for each program state.**

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identical invention must be shown in as complete detail as is contained in the ... claim."

Independent claims 1, 8, 11, and 18 of the instant application each recite performing a Boolean comparison of two associative arrays, i.e., global context flags (as defined in the specification as an associative array) and the associative array of UI objects. Specifically, claims 1, 8, and 11 recite “performing a Boolean comparison between the global context flag and one or more of the entries in the associative array for each of the UI objects”, i.e., **Boolean comparison of two associative arrays**, and claim 18 recites “performing a Boolean comparison between: at least one global context flag in the first associative array; and at least one entry in a second associative array”. This is not taught in the Giesen reference. Accordingly, independent claims 1, 8, 11, and 18 distinguish over Giesen for at least this reason and the Examiner’s rejection should be withdrawn.

Further, the Giesen reference does not even mention, suggest, or teach the terms “**associative array**”, “**global context flag**”, and “**Boolean comparison between the global context flag and one or more entries in the associative array**.” Giesen mentions the word array in exactly two areas: Once in the description of the drawings at col. 3, lines 9 and a second time in the paragraph at col. 10, lines 14-28 continuing to col. 11, lines 1 describing a two dimensional array is a gallery of control objects. Nowhere does Giesen suggest that these control objects are an **associative array**. Further, nowhere does Giesen suggest a **Boolean comparison** between the gallery of control objects and a **global context flag**. The Applicant respectfully requests that the Examiner state with particularity, exactly where in the Giesen and whether explicitly or inherently these requisite elements are found. The Examiner generally points to figures 4-9 of Giesen reference without particular support to the above claimed elements. There is no showing by the Examiner that Giesen suggests these requisite elements because there is no suggestion contained in the Giesen reference itself. It is a well recognized principle in patent law that just because prior art can be modified in a manner suggested by the Examiner it does not make the modification anticipated or obvious unless the prior art suggested the desirability of the modification. Here Giesen is simply silent on these claimed elements. Further, not one of the references cited by the Examiner teach the problem solved by the present invention, i.e., allows the state of the program to dynamically determine the available options by using Boolean matching

of two associative arrays by "Boolean comparison between the global context flag and one or more entries in the associative array."

The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated.<sup>2</sup> Because the elements in independent claims 1, 8, 11, and 18 of the instant application are not taught or disclosed by Giesen, Giesen does not anticipate the present invention. The dependent claims are believed to be patentable as well because they are all ultimately dependent on either claim 1, 8, 11, or 18. Accordingly, the present invention distinguishes over Giesen for at least this reason. The Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. § 102(e) has been overcome. It is submitted that the present response places the application in condition for allowance or, at least, presents the application in better form for appeal.

### **CONCLUSION**

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicant and his attorneys.

Applicant respectfully submits that all of the grounds for rejection stated in the

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<sup>2</sup> See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The



Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: August 7, 2006

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